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Facsimile Transmittal

DEC 2 9 2004

То:	Examiner Joffrey R. Jastrzab Art Unit: 3762	Fax:	(703) 872-9306			
From:	Patrick J.S. Inouye	Date:	December 29, 2004			
Re:	U.S. Patent Application Serial No. 10/646,679	Pages:	Pages: 15 (including cover sheet)			
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- Response to First Office Action
- Terminal Disclaimer To Obviate A Double Patenting Rejection Over Prior Patent

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PTO/SB/21 (09-04)
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December 29, 2004

Date

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/646,679 Application Number August 22, 2003 TRANSMITTAL Filing Date First Named Inventor **FORM** Bardy, Gust H. Art Unit (to be used for all correspondence after initial filing) Jeffrey R. Jastrzab Examiner Name D20.0348.US.CON Attorney Docket Number Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication to (TC) Drawing(s) İΧİ Fee Transmittal Form Appeal Communication to Board of Licensing-related Papers X Fee Attached Appeals and Interferences Appeal Communication to TC Petition Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Change of Correspondence Address Status Letter Affidavits/declaration(s) Other Enclosure(s) (please identify X Terminal Disclaimer Extension of Time Request below): Facsimile Cover Sheet Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Document(s) Remarks Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Law Offices of Patrick 24, Signature Printed name Patrick J.S. Inouve 40297 December 29, 2004 Reg. No. Date CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Signature Larcuse

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Larissa V. Pigott

Typed or printed name

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020,0346.US.CON

In re Application of: Bardy Application No.: 10/646,679 Filed: August 22, 2003

For: System And Method For Providing Feedback To An Individual Patlent For Automated Remote Patient Care

The owner, Guidant Corporation of 100 percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,203,495; 6,312,378; 6,331,160. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
2. X The undersigned is an attorney or agent of record.
$\sqrt{201}Q_{1}$
Signature Date
Patrick J.S. Inouve
Typed or printed name
(206) 381-3900
Telephone Number
X Terminal disclaimer fee under 37 CFR 1.20(d) included.
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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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